

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 17, 2003**

DIVISION TWO

B148849     Mir  
              v.  
              Pomona Valley Hospital Medical Center, et al.

Filed order denying petition for rehearing.

DIVISION THREE

B158559     Vasquez                                 (Not for Publication)  
              v.  
              Hadaya, et al.

The order of dismissal is affirmed. Costs on appeal are awarded to defendants and respondents.

Kitching, J.

We concur: Klein, P.J.  
                  Croskey, J.

DIVISION FOUR

B149107     People                                         (Not for Publication)  
              v.  
              Blocker, et al.

The judgment is affirmed as to John Scott Blocker. The appeal of Hugh Blocker is dismissed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
                  Curry, J.

DIVISION FOUR (Continued)

B153655      Roberts      (Not for Publication)

v.

CBS Broadcasting Inc., et al.

The order granting summary judgment and the judgment entered thereon are reversed with respect to respondents CBS, Blue, and Hernandez only. The order granting summary judgment and the judgment entered thereon with respect to respondent Gardner are affirmed. On remand, the trial court is instructed to enter a new and different order granting summary adjudication in favor of respondents CBS, Blue, and Hernandez on the claims for harassment, breach of implied covenant of good faith and fair dealing, negligent infliction of emotional distress, and intentional infliction of emotional distress only and to deny summary adjudication on each other cause of action. Costs are awarded to appellant.

Curry, J.

We concur:   Epstein, Acting P.J.  
                     Hastings, J.

B162160      People      (Not for Publication)

v.

Avila

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                     Hastings, J.

B161269      People      (Not for Publication)

v.

Broadnax

The judgment is affirmed.

Epstein, Acting P.J.

We concur:   Hastings, J.  
                     Curry, J.

DIVISION FOUR (Continued)

B154091 Snyder v. Lamb (Not for Publication)  
B159265 Jenkins v. Lamb

The orders denying the motions to strike Snyder's first amended complaint and Jenkin's complaint are affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

DIVISION FIVE

B158182 Kirk Kerkorian (Not for Publication)  
v.  
Lisa Kerkorian

The order denying the special motion to strike the first and second causes of action for rescission and contract breach regarding the purchase of the real property is affirmed. The order denying the special motion to strike the third, fourth, fifth, sixth, and seventh causes of action based upon the breach of the confidentiality agreement is reversed. Defendant shall recover her costs incurred on appeal from plaintiff. Upon issuance of the remittitur, defendant may pursue her attorney fees claims pursuant to Code of Civil Procedure 425.16, subdivision (c) and rule 870.02 of the California Rules of Court.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B154863 Shon Shafer (Certified for Publication)  
v.  
Los Angeles County Sheriffs

The judgment is affirmed. Each party to bear their own costs.

Mosk, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

## DIVISION FIVE (Continued)

B156795 People (Not for Publication)  
v.  
Ralph Reyes Vasquez

The judgment is modified to award defendant 257 days of actual credit plus 38 day of conduct credit for a total of 295. The judgment is affirmed in all other respects. Upon issuance of the remittitur, the superior court clerk is directed to issue an amended abstract of judgment that correctly reflects the presentence credits and forward it to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.  
Mosk, J.

B162866 People (Not for Publication)  
v.  
Arthur Torres

Two of the multiple-murder special circumstance findings are ordered stricken. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

## DIVISION SIX

[illegible]

The judgment is affirmed. Respondent is awarded costs on appeal.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

DIVISION SIX (Continued)

B159874      Carteng, et al                      (Not for Publication)  
                 v.  
                 Crisp

The judgment of dismissal is affirmed. Costs on appeal are awarded to Respondent.

Coffee, J.

We concur:   Gilbert, P.J.  
                 Perren, J.

B155505      People                                      (Not for Publication)  
                 v.  
                 Stough

The judgment is affirmed.

Perren, J.

We concur:   Yegan, Acting P.J.  
                 Coffee, J.

B160573      People                                      (Not for Publication)  
                 v.  
                 Avalos

The judgment is affirmed.

Coffee, J.

We concur:   Gilbert, P.J.  
                 Yegan, J.

March 17, 2003 (Continued)

## DIVISION SIX (Continued)

B162602 People v. Eldon (Not for Publication)

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B151792 Beer & Wine Services, Inc. (Not for Publication)  
v.  
Dumas

The judgment is affirmed. Costs are awarded to respondent

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

## DIVISION SEVEN

B159915      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Steven S.

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.  
Johnson, J.

## March 17, 2003 (Continued)

## DIVISION SEVEN (Continued)

B156914 Grant (Not for Publication)  
v.  
Oh

The judgment is reversed. Each party to bear their own costs.

Munoz, J. (Assigned)

We concur: Johnson, Acting P.J.  
Woods, J.

B147126      Westlake Pointe Homeowners      (Not for Publication)  
v.  
Builders Sheet Metal, Inc., et al.

The judgment of dismissal is reversed and on remand the trial court is directed to vacate its prior ruling sustaining demurrers to the causes of action for negligence and breach of contract and to enter a new order overruling the demurrers to such causes of action. Appellant is entitled to costs on appeal.

Munoz, J. (Assigned)

We concur: Perluss, P.J.  
Woods, J.

B158101      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Ronand B. and Norma B.  
In re Crystal B., a Minor

The judgment of January 31, 2002, is modified so as to delete a finding that as to Mother that Crystal is dependent pursuant to Welfare and Institutions Code section 300, subdivision (j). As modified the judgment and orders appealed from are affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.  
Woods, J.

## March 17, 2003 (Continued)

## DIVISION SEVEN (Continued)

B158522 People (Not for Publication)  
v.  
Lopez

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Munoz, J. (Assigned)

B154803      People      (Not for Publication)  
v.  
J.M.S.  
In re J.M.S., a Minor

We affirm the order with respect to the finding of attempted residential burglary as alleged in count 1. We remand the matter to the juvenile court with directions to make an oral finding as to whether J.M.S. committed possession of burglar's tools as alleged in count 2 of the petition.

Johnson, J.

We concur: Perluss, P.J.  
Munoz, J. (Assigned)

B159102      Wada      (Not for Publication)  
v.  
Barnes

The order denying appellant's motion to compel arbitration is affirmed. Respondent is to recover his costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.  
Munoz, J. (Assigned)



DIVISION SEVEN (Continued)

B158013      Bengtsson      (Not for Publication)

v.  
Fontana  
Estate of Bengtsson

Respondent is to recover her costs on appeal. The order denying the petition to determine heirship and entitlement to the estate is affirmed.

Johnson, Acting P.J.

We concur:    Woods, J.  
                  Munoz, J. (Assigned)

B162798      People      (Not for Publication)

v.  
Gilchrist

The judgment is affirmed.

Johnson, Acting P.J.

We concur:    Woods, J.  
                  Munoz, J. (Assigned)

B155539      Gryczman      (Certified for Publication)

v.  
Cooper

The judgment is reversed. Appellant(s) to recover costs.

Johnson, J.

We concur:    Perluss, P.J.  
                  Woods, J.

## DIVISION SEVEN (Continued)

B145698      Moreno                                  (Certified for Publication)  
v.  
Sanchez

The judgment is reversed and the cause is remanded to the trial court with directions to vacate the dismissal, to overrule the demurrer, and for further proceedings consistent with this opinion. Appellants are awarded their costs on appeal.

Johnson, J.

I concur:       Croskey, J. (Assigned)  
I dissent:       Perluss, P.J. (Opinion)

B148711 People (Certified for Partial Publication)  
v.  
Navarro

The judgment of conviction is affirmed. The sentence is modified by striking the enhancement under section 12022.53 and the parole revocation fine and is affirmed as modified.

Johnson, J.

We concur: Perluss, P.J.  
Munoz, J. (Assigned)

B162059      Bird, Marella, Boxer & Wolpert  
v.  
Superior Court, County of Los Angeles  
Reiner, R.P.I.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)